

REMARKS

This application has been reviewed in light of the Office Action dated December 10, 2004. Claims 18-30 are presented for examination. Claims 1-17 have been canceled, without prejudice or disclaimer of subject matter. Claims 18-30 have been added to provide Applicant with a more complete scope of protection. Claims 18, 22, and 27-30 are in independent form. Favorable reconsideration is requested.

Claims 1, 4-9, 12, and 13 were rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. These rejections have been rendered moot by the cancellation of these claims. New Claim 18-30 are believed to meet all of the requirements of 35 U.S.C. § 112. In particular, Applicant notes that none of the new claims are thought to constitute a “single means claim,” which was the basis for these rejections.

Claims 1-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,361,143 (“Nakayama”). Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being obvious from Nakayama.

Again, these rejections have been rendered moot by the cancellation of these claims. Nevertheless, Applicant would like to make the following comments regarding the cited art with respect to new Claims 18-30.

Claim 18 is directed to an image processing apparatus having an image reading unit adapted to read a document image and a designating unit adapted to designate at least one of a plurality of partitioned image storage regions of a memory medium. The claim recites a mode setting unit adapted to set a reading mode, before the document image reading operation. The reading mode is one of a first mode, in which a document is read

and stored as both a color image and as a monochrome image, and a second mode, in which a document is read and stored as a monochrome image.

By virtue of this combination of features, it is possible to send both a color image to a device capable of receiving color images and a monochrome image to a device that is not capable of receiving color images (see, e.g., page 16, line 20, through page 17, line 2). This is particularly beneficial when an image is to be sent to multiple locations that have varying color/monochrome capabilities (see, e.g., page 10, line 22, though page 11, line 1). In addition, it is possible to send monochrome image data to a device that is not capable of receiving color image data, without time-consuming conversion of the color image data (see, e.g., page 2, lines 13-21).

By contrast, Nakayama relates to a multi-color facsimile apparatus designed to store red, blue, and black image data as integrated image data files (e.g., I and P files), in a multi-color mode, or to store black image data in a monochrome data file, in a monochrome mode (see col. 4, lines 20-55). Nothing has been found or pointed out in Nakayama that would teach or suggest a mode setting unit adapted to set a first mode, in which a document is read and stored both as a color image and in addition as a monochrome image, and a second mode, in which a document is read and stored as a monochrome image, as recited in Claim 18.

Accordingly, Claim 18 is believed to be patentable over Nakayama.

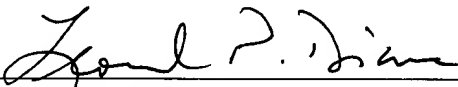
Independent Claims 22 and 27-30 recite features similar to those discussed above with respect to Claim 18 and therefore are also believed to be patentable over Nakayama for the reasons discussed above.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Leonard P. Diana
Attorney for Applicant
Registration No.: 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 487770v1